

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2667 of 1995

Between:

High School Commitee,Konkuduru, via Kandalapaka,
East Godavari District, rep. by its General Secretary,
S.Krishna Murthy, R/o.Konkuduru.

..... PETITIONER

AND

- 1.The Cheif Executive Officer, Z.P., East Godavari District,
Kakinada.
- 2.The District Educational Officer, East Godavari District,
Kakinada.
- 3.The Director of School Education, Andhra Pradesh,
Hyderabad.
- 4.The Government of A.P. rep. by its Secretary,
Education Department, Secretariat,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Certiorari calling for the records relating to the impugned Telegram dt.-21-1-1995 issued by the Government of A.P., Education Department and its consequential urgent Memo. Roc. No. B4/ZP/414/94, dt-6-2-1995 issued by the Chief Executive Officer, Z.P., East Godavari District, Kakinada and quash the same by holding the impugned orders as illegal, arbitrary, discriminatory and cannot be justified in the eye of law.

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondent Nos.1 to 4: GP FOR SCHOOL EDUCATION.

The Court made the following :

ORDER:

Assailing the proceedings dated 6-2-1995 of the Chief Executive Officer, Zilla Parishad, East Godavari, staying the change of name of Z.P. High School at Konkuduru as Sri Kovvuru Sathi Reddy Zilla Parishad High School, the present writ petition is filed.

It is stated that Sri Kovvuru Sathi Reddy, who was the Treasurer of the Zilla Parishad High School Committee, donated land and money for construction of the school building, and having regard to the orders issued by the Government in G.O. Ms. No.1171, Edn., dated 26-11-1973, which provided for naming the Government Schools after the donors, the Zilla Parishad High School Committee passed a resolution for naming the school in the name of Sri Kovvuru Sathi Reddy, and in terms thereof, the petitioner made a request to respondent No.3, who vide his orders dated

6.1.1995, accorded permission for change of name of the school. While the matters stood thus, the impugned order, staying the change of name of the school, came to be passed.

The writ petition was admitted on 16-2-1995. At that time, the learned Government Pleader for School Education took ten days time for obtaining instructions. Thereafter, by order dated 8.3.1995, the impugned order was suspended. Though nearly ten years had elapsed from the date of admission of the writ petition and passing of interim orders therein, no counter has been filed even though the learned Government Pleader for School Education took notice on behalf of the respondents. Today, though the writ petition is listed under the caption 'for judgement', the learned Government Pleader for School Education reports no instructions.

The averments made by the petitioner in the affidavit filed in support of the writ petition, having not been disputed by the respondents by filing counter-affidavit, there is no reason why the averments made in the affidavit should not be believed to be true and correct. Hence, believing the averments made by the petitioner in the affidavit filed in support of the writ petition to be true and correct, and in the absence

of any counter of the respondents, this Court has no other option, but to allow the writ petition.

In the result, the writ petition is allowed. The impugned order dated 6.2.1995 of the Chief Executive Officer, Zilla Parishad, East Godavari District, stands quashed and set aside. No costs.

N.V. RAMANA, J.

Date: 27th July, 2004.

CS/KSR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the 27th day of July, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1.The Chief Executive Officer, Z.P.East Godavari District,
Kakinada.

2.The District Educational Officer, East Godavari District,
Kakinada.

3.The Director of School Education, A.P., Hyderabad.

4.The Secretary, Education Department, Government of
Andhra Pradesh, Secretariat, Hyderabad.

5.Two C.Cs. to the Government Pleader for School

Education, High Court Buildings, Hyderabad (O.U.T.)

6. Two C.D. copies.